

August 26, 2003

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

House Bill 3556 makes important changes to strengthen the role of the Sex Offender Management Board. It adds four members to the Board, including representatives of the Illinois Polygraph Society, the Criminal Justice Information Authority, the Illinois Chapter of the Association for the Treatment of Sexual Abusers, and the Illinois Principal Association. It also requires that programs that evaluate and treat sex offenders meet standards set by the Board and most significantly requires that sex offenders under the authority of the criminal justice system undergo evaluation and treatment. By strengthening the standards for programs that evaluate and treat sex offenders and by strengthening the Board itself, we help ensure the safety of our communities and provide appropriate intervention for those who have committed sex offenses. I applaud these changes.

I am concerned, though, by the fiscal impact on the state that the legislation imposes by mandating evaluation and treatment of all sex offenders who are on probation, incarcerated, or on parole. The Department of Corrections estimates the cost at \$12 million per year to evaluate and treat those who are incarcerated. With evaluations costing approximately \$400 and even modest treatment at \$1400 per year, the cost of the mandates imposed by this legislation are significant not only for the state but also for the counties that must similarly bear the burden of this new, unfunded mandate.

I am therefore returning House Bill 3556 to the General Assembly with modifications that address these fiscal pressures by ensuring that evaluations and treatment are available within the constraint of funds available.

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3556 entitled, "AN ACT in relation to sex offenders", with the following specific recommendations for change:

by replacing line 33 on page 7 through line 2 on page 8 with “Management Board and shall be provided subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose.”; and

on page 8, by replacing lines 15 and 16 with “and shall be provided subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose.”; and

on page 8, line 24, by deleting “at the”; and

on page 8, by replacing lines 25 and 26 with “shall be provided subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose.”; and

on page 9, line 11, by replacing “at the expense” with “subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for the purpose”; and

on page 9, by deleting line 12; and

on page 9, line 13, by deleting “ability to pay”; and

on page 9, line 16, after “Act”, by inserting “or there is insufficient State and county appropriations for the purpose”; and

on page 9, line 17, by replacing “shall” with “may”; and

on page 9, line 18, by replacing “reimbursement” with “funding”; and

on page 9, line 18, after “services”, by inserting “from the Fund”; and

on page 10, line 2, after “appropriations”, by inserting “for this purpose”; and

on page 10, line 30, by replacing “evaluation. The” with “evaluation, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose. The”; and

on page 14, by replacing lines 23 and 24 with “shall be provided subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose.”; and

on page 37, line 22, after “shall”, by inserting “, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose.”; and

on page 44, line 5, after “Corrections”, by inserting “, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose”; and

on page 44, line 13, after “offender treatment”, by inserting “, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose,”; and

on page 44, line 26, after “offender treatment”, by inserting “, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose,”; and

on page 46, line 29, after “shall”, by inserting “; subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose,”; and

on page 57, line 11, after “shall”, by inserting “; subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose,”; and

on page 63, line 8, by replacing “\$35” with “\$60”; and

on page 63, line 19, by replacing “\$25” with “\$50”; and

on page 66, line 15, after “shall”, by inserting “, subject to available funds, including the offender’s ability to pay, moneys available in the Sex Offender Management Board Fund, and State and county appropriations for this purpose,”; and

With these changes, House Bill 3556 will have my approval. I respectfully request your concurrence.

Sincerely,

ROD R. BLAGOJEVICH
Governor